

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10153 of 1998

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

BABUBHAI BHURABHAI BILWAD

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10153 of 1998
MR MA KHARADI for Petitioner No. 1
MR KL PANDYA, AGP for Respondent No. 1-3
NOTICE SERVED BY DS for Respondent No. 4
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 07/04/2004

ORAL JUDGEMENT

1. Mr. Kharadi for the petitioner has fairly conceded that the decision of 1998 was challenged by the petitioner by way of the present petition even though a

statutory appeal is provided. Mr. Kharadi, therefore sought permission to withdraw the present petition with a view to approach the competent authority for appropriate relief. He further submitted that since the petitioner has lost his brother and the licence which was issued in the name of widow was cancelled without hearing them, and also because of the fact that he has experience in running the fair price shop, his application may be directed to be considered sympathetically by the authority in future as and when the question arises for the same area.

2. Accordingly, if and when the advertisement for grant of licence for fair-price shop is issued, and if the petitioner applies for the same, the competent authority may consider his case sympathetically in view of the above particular facts and circumstances of the case. With this observation, the petition is permitted to be withdrawn. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]